

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHASE PARTNERS, LLC,

Plaintiff,

-against-

INCORPORATED VILLAGE OF ROCKVILLE
CENTRE and the PLANNING BOARD of the
VILLAGE OF ROCKVILLE CENTRE,

Defendants.
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MEMORANDUM AND ORDER

CV 05-6113 (LDW) (MLO)

WEXLER, District Judge

Plaintiff Chase Partners, LLC brings this action against defendants Village of Rockville Centre (the "Village") and the Village's Planning Board, asserting violations of plaintiff's federal constitutional rights and various supplemental state law claims based on defendants' conduct related to plaintiff's site plan application for a luxury apartment complex in the Village. Defendants move to stay this action or, in the alternative, to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff opposes the motion.

Regarding the request to stay this action, the record shows that three appeals from Article 78 proceedings related to plaintiff's site plan application are pending in the Appellate Division, Second Department. The Appellate Division is hearing these appeals together and a preference has been granted.

Upon consideration, this Court grants the motion to stay this action pending determination of those appeals. Given this determination, the motion to dismiss is denied without prejudice. Accordingly, this action is stayed pending determination of the appeals of the Article 78 proceedings. Meanwhile, the Clerk of Court is directed to administratively close

the file in this action.

SO ORDERED.

_____/s/_____
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 12, 2007